

Remarks

Claims 1, 3 and 6-9 are pending in the subject application. By this Amendment claims 1, 3, 6 and 8 have been amended and are before the examiner for consideration. In view of the amendments to the claims and the remarks below, favorable consideration of the claims now presented is earnestly solicited.

As an initial matter, the Examiner notes that the references cited in the Information Disclosure Statement have not been made available to her for review. Attached herewith are copies of the documents cited in the IDS filed October 12, 2001.

Claims 1, 3, and 6-9 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite. By this Amendment, claims 1, 3, 6 and 8 have been amended to delete the phrase "or functional fragment thereof". These amendments have been made to clarify the metes and bounds of the applicants' claims without narrowing the scope of coverage to which they are entitled. Furthermore, these amendments have been done for the sole purpose of expediting prosecution and they should not be taken to indicate the applicants' agreement with, or acquiescence to, the rejections of record. In view of the amendments to the claims, the applicants respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. § 112, second paragraph.

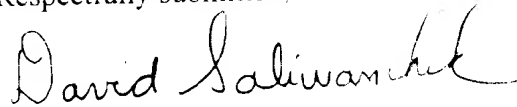
Claims 1, 3 and 6-9 have been rejected under 35 U.S.C. §102(b) as being anticipated by Wagner *et al.* (U.S. 2001/0049142 A1) or DePinho (U.S. Patent No. 6,040,425). The applicants respectfully submit that this rejection has been rendered moot by the applicants' amendment herein which clarifies the metes and bounds of the applicants' claims.

In view of the foregoing remarks and the amendments above, the applicants believe that the currently pending claims are in condition for allowance, and such action is respectfully requested.

The Commissioner is hereby authorized to charge any fees under 37 CFR §§1.16 or 1.17 as required by this paper to Deposit Account No. 19-0065.

The applicants also invite the Examiner to call the undersigned if clarification is needed on any of this response, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,



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Attachments: Marked-up Version of Amended Claims  
Copies of documents cited in IDS

Marked-up Version of Amended ClaimsClaim 1 (amended):

A pro-apoptotic composition comprising a pharmaceutically acceptable diluent or carrier, and an excretory-secretory product, isolatable from *Necator americanus*, [or a functional fragment thereof,] capable of inducing apoptosis in reactive T-cells.

Claim 3 (twice amended):

A pro-apoptotic composition comprising a pharmaceutically acceptable diluent or carrier, and an excretory-secretory product, isolatable from *Necator americanus*, [or a functional fragment thereof,] capable of inducing apoptosis in reactive T-cells.

Claim 6 (amended):

A method for treating cancer wherein said method comprises administering, to a mammal in need of such treatment, an effective amount of an excretory-secretory product isolatable from *Necator americanus*, [or a functional fragment thereof,] capable of inducing apoptosis in reactive T-cells.

Claim 8 (amended):

A method for treating inflammation wherein said method comprises administering, to a mammal in need of such treatment, an effective amount of isolatable from *Necator americanus*, [or a functional fragment thereof,] capable of inducing apoptosis in reactive T-cells.